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EXAMINER

BAYARD, DJENANE M

ART UNIT PAPER NUMBER

2141

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/587,826

Applicant(s)

TULLER ET AL.

Examiner

Djenane M Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 June 0200.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) ✓
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 21-27, 41-45, 51, 60- 64, 70, 79-80, 82-90 are rejected under 35 U.S.C. 102(b) as being anticipated by Arcserve V6.5 for Windows NU User Guide.

a. As per claims 1 and 21, Schein et al teaches a platform-independent method for retrieving and managing data in at least one communications network having a plurality of destination nodes interconnected with communication lines, comprising:  
remotely accessing a communications network (See page 1-2); remotely configuring a retrieval command associated with a destination node (See page 4-4 and 4-5); remotely transmitting said retrieval command to said destination node (See page 4-4, lines 1-2); remotely monitoring said retrieval command associated with said destination node (See page 9-23, lines1-2); remotely transmitting a response from said destination node to said retrieval command; remotely monitoring said response from said destination node

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to said retrieval command (See page 9-23, lines 1-2); and remotely storing said response from said destination node to said retrieval command ( See page 10-15).

b. As per claims 41 and 60, Arcserve v6.5 for Windows NT User Guide teaches a method for selecting, prioritizing, retrieving, storing, and managing data within network nodes, comprising: configuring a request from a user to a network node (See page 4-4 and 4-5); transmitting said request to said network node (See page 4-4, lines 1-2); processing said request associated with said network node (See page 3-29, lines 6-8); transmitting a response from said network node to said request (See page 1-5, lines 11-12); processing said response from said network node to said request and storing said response from said network node to said request (See page 10-15).

c. As per claims 2, 22, 43 and 62 Arcserve V6.5 for Windows NT User guide teaches remotely prioritizing said retrieval command and remotely prioritizing said response from said destination node to said retrieval command (See page 9-22)

d. As per claim 3 and 23, Arcserve v6.5 for Windows NT User guide teaches the monitoring of said response further comprises a retrieval status (See page 9-24, lines 1-4)

e. As per claims 4 and 24, Arcserve v6.5 for Windows NT User guide teaches wherein said retrieval status comprises at least one of the following parameters: never

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attempted; successful; not available; date out of range; failed; and in progress (See page 9-13 and page 9-14).

f. As per claims 5, 25, 44 and 63 Arcserve v6.5 for Windows NT User Guide teaches remotely executing an automated retrieval schedule (See page 6-11, lines 1-2).

g. As per 6, 26, 45 and 64, Arcserve v6.5 for Windows NT User Guide teaches wherein said automated retrieval schedule comprises at least one of the following parameters: an upload frequency; an upload schedule: and a destination directory (See page 6-11, lines 1-2, page 6-13, line 8 and page 6-15).

h. As per claims 7, 27, 42 and 61, Arcserve v6.5 for Windows NT User Guide teaches remotely constructing a response log; remotely administering said response log; and remotely printing said response log (See page 6-25 and page 9-10).

i. As per claims 51 and 70, Arcserve v6.5 for Windows NT User Guide teaches managing said response associated with said network node into an activity log (See page 10-19).

j. As per claim 79, Arcserve v6.5 For Windows NT User Guide teaches a platform-independent system for retrieving and managing data in at least one communications network having a plurality of destination nodes interconnected with communication

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lines, comprising: a network automated information retrieval system coupled to at least one communications network having a plurality of nodes (See page 1-2); an interactive user module coupled with a network management system server connected to said communications network having a plurality of nodes (See page 1-3, lines 13-17); a plurality of client terminals coupled to said interactive user module for user interaction with said network automated information retrieval system (See page 1-3, lines 1-12).

k. As per claim 80, Arcserve v6.5 For Windows NT User Guide teaches a The wherein said interactive user module is communicated by a service application of said automated information retrieval system to said network management system server (See page 1-3, lines 1-12).

l. As per claim 82, Arcserve v6.5 For Windows NT User Guide teaches wherein communications network further comprises memory (See page 2-5).

m. As per claim 83, Arcserve v6.5 For Windows NT User Guide teaches wherein said communications network further comprises at least one database stored in memory (See page 1-5, lines 19-22).

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- n. As per claim 84, Arcserve v6.5 For Windows NT User Guide teaches wherein said communications network further comprises at least one database processor capable of processing data contained in said database (See page 2-5).
- o. As per claim 85, Arcserve v6.5 For Windows NT User Guide teaches a request to said automated information retrieval system (See page 1-3, lines 8-11).
- p. As per claim 86, Arcserve v6.5 For Windows NT User Guide teaches wherein said request is communicated to said automated information retrieval system by said user interaction with said interactive user module (See page 1-3, lines 8-11).
- q. As per claim 87, Arcserve v6.5 For Windows NT User Guide teaches wherein said interactive user module comprises at least one of the following user modules selected from a group of user modules comprising: an administrator module; an operator module; a help module; and a status module (See page 1-3, lines 12-16).
- r. As per claim 88, Arcserve v6.5 For Windows NT User Guide teaches wherein said request further comprises a retrieval command to query at least one destination node in real-time (See page 9-23, lines 1-2)
- s. As per claim 89, Arcserve v6.5 For Windows NT User Guide teaches said plurality of network nodes to transmit a response to said request means for processing

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said response from said plurality of network nodes to said request (See page 1-3, lines 1-3 and page 1-5, lines 11-12); and means for storing said response from said plurality of network nodes to said request (See page 10-15).

t. As per claim 90, Arcserve, v6.5 For Windows NT User Guide teaches means for constructing a response log, wherein said response log comprises a plurality of responses from said plurality of network nodes to said request (See page 10-19); means for administering said response log (See page 10-21); and means for printing said response log (See page 9-10).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-12, 28- 32, 46-50 and 65-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve v6.5 For Windows NT User Guide in view of U.S. Patent No. 6,513,060 to Nixon et al.



a. As per claims 8, 28, 46 and 65 Arcserve v6.5 for Windows NT user Guide teaches the claimed invention as described above. However, Arcserve v6.5 for Windows NT user Guide fails to teach wherein said configuration of said retrieval command comprises at least one of the following parameters: minimum time to retry if retrieval failure; and maximum number of simultaneous retrievals.

Nixon et al teaches a system and method for monitoring informational resources. Furthermore, Nixon et al teaches wherein said configuration of said retrieval command comprises at least one of the following parameters: minimum time to retry if retrieval failure; and maximum number of simultaneous retrievals (See col. 20, lines 34-37 and col. 23, lines 45-46).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said configuration of said retrieval command comprises at least one of the following parameters: minimum time to retry if retrieval failure; and maximum number of simultaneous retrievals as taught by Nixon et al in the claimed invention of Arcserve v6.5 for Windows NT user Guide in order to monitor the informational resources to determine if they are accessible and to evaluate their performance (See abstract, lines 6-8).

b. As per claims 9, 29, 47 and 66, Arcserve v6.5 for Windows NT User Guide teaches the claimed invention as described above. Furthermore, Arcserve v6.5 For Windows NT User Guide teaches wherein said configuration of said retrieval command further comprises node filtering (See page 6-2).

c. As per claims 10, 30, 48 and 67, Arcserve v6.5 For Windows NT User Guide teaches wherein said node filtering comprises at least one of the following parameters: one or more of said destination nodes designated by a user; one or more of said destination nodes affiliated with a particular business; and one or more of said destination nodes affiliated with a particular business branch (See page 6-18, lines 1-4)

d. As per claims 11, 31, 49 and 68, Arcserve V6.5 For Windows NT User Guide teaches the claimed invention as described above. Furthermore, Arcserve v6.5 for Windows NT User Guide teaches wherein said configuration of said retrieval command further comprises identification of at least one of said destination nodes categorized by at least one of the following parameters: at least one selected day; at least one selected hour; at least one selected said destination node; at least one missed day; at least one missed hour; at least one disconnected destination node; at least one down destination node; and at least one exception-reported destination node (See pages 7-32 - 7-42).

e. As per claims 12, 32, 50 and 69, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. Furthermore, Arcserve v6.5 For Windows NT teaches wherein said configuration of said retrieval command further comprises identification of at least one of said destination nodes categorized by at least one of the following parameters: file type; file type name; and archive directory (See page 5-9, lines 7-10).

5. Claims 13, 33, 52 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve v6.5 For Windows NT User Guide in view of U.S. Patent No. 6,343,326 to Acharya et al.

a. As per claims 13, 33, 52 and 71, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein said destination node further comprises a plurality of delivery system nodes.

Acharya et al teaches a system and method of transferring Internet protocol packets using fast ATM cell transport. Furthermore, Acharya et al teaches wherein said destination node further comprises a plurality of delivery system nodes (See col. 3, lines 23-25).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said destination node further comprises a plurality of delivery system nodes as taught by Acharya et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to simultaneously deliver packets in a multicast operation (See col. 3, lines 23-25).

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6. Claims 14, 34, 53, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve v6.5 For Windows NT User Guide in view of U.S. Patent No. 5,790,541 to Patrick et al.

a. As per claims 14, 34, 53 and 72, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein said destination node further comprises a plurality of secondary system nodes.

Patrick et al teaches an apparatus, method, system and system method for distributed routing in a multipoint communication system. Furthermore, Patrick et al teaches wherein said destination node further comprise a plurality of secondary system nodes (See col. 9, lines 63-66)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said destination node further comprise a plurality of secondary system nodes as taught by Patrick et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to implement a centralized topology. (See col. 9, lines 63-66)

7. Claims 15-19, 35-39, 54-58 and 73-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve V6.5 For Windows NT User Guide in view of U.S. Patent No. 6,226,623 to Schein et al.

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a. As per claims 15, 35, 54 and 73, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein said destination node is an automated teller machine.

Schein et al teaches a global financial services integration system and process. Furthermore, Schein et al teaches wherein said destination node is an automated teller machine (See col. 7, lines 20-21)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said destination node is an automated teller machine as taught by Schein et al in the claimed invention of Arcserve v6.5 for Windows NT User Guide in order to obtain a complete picture of a customer's relationship with the financial institution (See col. 7, lines 25-29).

b. As per claims 16, 36, 55 and 74, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein said destination node is a bank server.

Schein et al teaches a global financial services integration system and process. Furthermore, Schein et al teaches wherein destination node is a bank server (See col. 8, lines 55-60)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein destination node is a bank server as taught by Schein et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in

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order to obtain a complete picture of a customer's relationship with the financial institution (See col. 7, lines 25-29).

c. As per claims 17, 37, 56, and 75, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein wherein said destination node is a communication server.

Schein et al teaches a global financial services integration system and process. Furthermore, Schein et al teaches wherein said destination node is a communication server (See col. 8, lines 55-59)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein destination node is a communication server as taught by Schein et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to obtain a complete picture of a customer's relationship with the financial institution (See col. 7, lines 25-29).

d. As per claims 18, 38, 57 and 76, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein wherein said destination node is a financial server.

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Schein et al teaches a global financial services integration system and process. Furthermore, Schein et al teaches wherein said destination node is a financial server (See col. 8, lines 55-59)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein destination node is a financial server as taught by Schein et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to obtain a complete picture of a customer's relationship with the financial institution (See col. 7, lines 25-29).

e. As per claims 19, 39, 58 and 77, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach wherein said communications network is a financial institution's communications network.

Schein et al teaches a global financial services integration system and process. Furthermore, Schein et al teaches wherein said communications network is a financial institution's communications network (See abstract, lines 1-6)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein communications network is a financial institution's communications network as taught by Schein et al in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to integrate customer information and make the information accessible from remote locations (See abstract, lines 3-6).

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8. Claims 20, 40, 59 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve v6.5 For Windows NT User Guide in view of U.S. Patent No. 6,236,989 to Mandyam et al.

a. As per claims 20, 40, 59 and 78, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide fails to teach remotely providing a help mechanism to a user.

Mandyam et al teaches a network-based help architecture. Furthermore, Mandyam et al teaches remotely providing a help mechanism to a user (See col. 3, lines 60-65).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate remotely providing a help mechanism to a user as taught by Mandyam et al in the claimed invention of Arcserve v6.5 for Windows NT User Guide in order for the user to have access to required help information (See col. 4, lines 2-3).

9. Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arcserve v6.5 For Windows NT User Guide in view of U.S. Patent No. 6,609,146 to Slotznick.

a. As per claim 81, Arcserve v6.5 For Windows NT User Guide teaches the claimed invention as described above. However, Arcserve v6.5 For Windows NT User Guide



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fails to teach wherein interactive user module is communicated by said service application of said automated information retrieval system to one of a internet, an intranet, or an extranet.

Slotznick teaches wherein interactive user module is communicated by said service application of said automated information retrieval system to one of a internet, an intranet, or an extranet (See column 12, lines 52-54).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein interactive user module is communicated by said service application of said automated information retrieval system to one of a internet, an intranet, or an extranet as taught by Slotznick in the claimed invention of Arcserve v6.5 For Windows NT User Guide in order to create a client/server architecture (See col. 12, line 55-57).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Djenane Bayard

A handwritten signature in black ink, appearing to read 'Rupal Dharia', with a long horizontal flourish extending to the right.

**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**